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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,354	12/14/2000	Leonard Sadjadi	2065JB:37332	8926

7590                    03/28/2003

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[REDACTED] EXAMINER

LA, ANH V

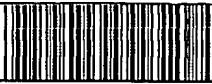
[REDACTED] ART UNIT      [REDACTED] PAPER NUMBER

2632

DATE MAILED: 03/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. <b>09/736,354</b>  Examiner <b>Anh La</b>	Applicant(s) <b>Sadjadi</b>  Art Unit <b>2632</b>	
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*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1)  Responsive to communication(s) filed on \_\_\_\_\_.
- 2a)  This action is FINAL.      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- 4)  Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-15 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a)  The translation of the foreign language provisional application has been received.

- 15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_      6)  Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. The claims are objected to because in claims 2, 4, 5, 6, line 1, the phrases "status indicator circuits" should be changed to --status indicator--.
2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
3. Claims 8-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8 and 9 recite the limitation "the momentary test switch" in line 1. There is insufficient antecedent basis for this limitation in the claim.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 4, 6, 11, 13-14, are rejected under 35 U.S.C. 102(b) as being anticipated by Scott.

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Regarding claim 1, Scott discloses a circuit breaker status indicator consisting of lighted visual display with a distinctive color associated with each position of the circuit breaker, composed of a multi-color light source 34 (column 4, lines 34-45) and a passive electronic circuit taking advantage of the status contact of breaker, that changes the color of the light source depending upon the status of the circuit breaker (abstract).

Regarding claim 2, Scott discloses the lighted visual display indicating one color when the circuit breaker is in the ON position and another color when the circuit breaker in the OFF or TRIPPED position (see abstract).

Regarding claim 3, Scott discloses the lighted visual display indicating one color when a three position circuit breaker is in the ON position and another color when the circuit breaker in the OFF position and a third color when the circuit breaker is in the TRIPPED position (see abstract).

Regarding claim 6, Scott discloses the status indicator being a circuit internal to the circuit breaker (fig. 1-6).

Regarding claim 11, Scott discloses a single pole, single throw main contact 16, and an single pole, single throw auxiliary status switch SA.

Regarding claim 13, Scott discloses a compact, breaker-mounted module that monitors and display individual breaker status (figures 1-6).

Regarding claim 14, Scott discloses the breaker-mounted module being designed to display, monitor, and directly report individual breaker status.

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scott.

Regarding claim 10, Scott discloses all the claimed subject matter as set forth above in the rejection of claim 3, and further discloses the auxiliary switching system and the main contact having a multiple switch configurations (column 4, lines 20-25). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include a single pole double throw main contact and a single pole double throw auxiliary switching system to the indicator of Scott for the purpose of indicating the status of the circuit breaker.

7. Claims 4-5, 7-9, 12, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott in view of Turner.

Regarding claims 4-5, 7-9, 12, 15, Scott discloses all the claimed subject matter as set forth above in the rejection of claim 3, and further discloses a single circuit breaker and a single three position circuit breaker, and the status indicator being a circuit internal to the circuit breaker (see figures 1-6), but does not disclose a momentary test switch, the indicator being a circuit external to the circuit breaker. Turner teaches the use of a momentary test switch 126 and an indicator being a circuit external to a circuit breaker (columns 15-16). It would have been

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obvious at the time the invention was made to a person having ordinary skill in the art to include a momentary test switch and the indicator being a circuit external to the circuit breaker to the indicator of Scott as taught by Turner for the purpose of testing the circuit breaker when needed and indicating the status of the circuit breaker.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fello, Nagy, and Yu disclose circuit breakers.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner La whose telephone number is (703) 305-3967. The examiner can normally be reached on Monday--Friday from 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Daniel J. Wu, can be reached at (703)-308-6730. The fax phone number for this Group is (703) 872-9314.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or Faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Anh V. La  
Primary Examiner  
March 24, 2003